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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) No. CR 15-0576-JST
10 Plaintiff,)
11 v.) STIPULATED REQUEST TO CONTINUE
12) HEARING DATE TO JULY 1, 2016 AND
13 JUAN HERNANDEZ,) EXCLUDE TIME UNDER THE SPEEDY
14 Defendant.) TRIAL ACT; ~~PROPOSED~~ ORDER
15 _____)

The above-captioned matter is set on June 17, 2016 at 2:00 p.m. before the Hon. Jon S. Tigar for MOTIONS hearing. The parties jointly request and stipulate that the Court continue the matter to July 1, 2016 at 9:30 a.m. for MOTIONS HEARING. The Motions schedule is stipulated as follows: Motions shall be filed on May 27, 2016; Government Opposition on June 10, 2016; and Replies on June 17, 2016.

The requested continuance is sought under The Speedy Trial Act; the parties agree and stipulate that the time until July 1, 2016 should be excluded under 18 U.S.C. §3161(H)(7)(A) and (B) because the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial. The reasons for this request are as follows: The defense continues to factually investigate and conduct legal research on the motion that the defense intends to file, to wit, a motion to dismiss the indictment

1 based on alleged flaws in the underlying deportation proceeding. The defense is in the process
2 of retaining an expert. The motion requires a far-ranging inquiry into the defendant's equities at
3 the time of the 2014 immigration hearing. For all of these reasons, the continuance is justified.
4 There is a Jury Trial date in this case of September 12, 2016.

5 For the foregoing reasons, the parties stipulate that the ends of justice served by the
6 continuance requested herein outweigh the best interests of the public and the defendant in a
7 speedy trial because the failure to grant such a continuance would unreasonably deny counsel
8 for the defendant the reasonable time necessary for effective preparation, taking into account
9 the exercise of due diligence.

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11 DATED: May 5, 2016

12 _____/s/
JEANE HAMILTON
Special Assistant United States Attorney

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15 DATED: May 5, 2016

16 _____/s/
JOHN PAUL REICHMUTH
Assistant Federal Public Defender
Counsel for JUAN HERNANDEZ

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ORDER

Based on the reasons provided in the stipulation of the parties above, the court hereby
FINDS:

1. The ends of justice served by the granting of the continuance from June 17, 2016 until July 1, 2016 outweigh the best interests of the public and the defendant in a speedy and public trial because additional investigation and review, as well as legal research and drafting are necessary to the defense preparation of the case. The court also anticipates that motions will be filed beginning May 27, 2016 and that the time between that date and July 1 will be required for briefing and resolution of motions.

Based on these findings, it is hereby

11 ORDERED that time be excluded under the speedy trial act, 18 U.S.C. Section 3161(H)
12 (7)(A) from June 17, 2016 until July 1, 2016. Further, it is

13 ORDERED that the MOTIONS hearing in this case be continued to July 1, 2016 at 9:30
14 a.m. Further, it is

15 ORDERED that motions shall be filed on or before May 27, 2016; government
16 opposition shall be filed on or before June 10, 2016; and replies shall be filed on or before June
17 17, 2016. Further, it is

18 ORDERED that the JURY TRIAL on September 12, 2016 at 8:30 a.m. remain as set.

21 || May 10, 2016

